

LEGISLATIVE SESSION

PROVIDING FOR A RESOLUTION WITH RESPECT TO THE UNRESOLVED DISPUTES BETWEEN CERTAIN RAILROADS REPRESENTED BY THE NATIONAL CARRIERS' CONFERENCE COMMITTEE OF THE NATIONAL RAILWAY LABOR CONFERENCE AND CERTAIN OF THEIR EMPLOYEES

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The bill clerk read as follows:

A joint resolution (H.J. Res. 100) to provide for a resolution with respect to the unresolved disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and certain of their employees.

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Mr. President, for the information of Members, we are going to resume votes very soon, first on the Sullivan resolution, then on the sick-day resolution, and then on the concurrent, final resolution. Votes will be quick.

I am glad that the two sides have come together so that we can avoid this shutdown, which would be extremely damaging to the country. I hope that we can add sick days under the Sanders resolution. And I urge Members—we are going to try to vote as quickly as we can to get this done.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SULLIVAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VAN HOLLEN). Without objection, it is so ordered.

AMENDMENT NO. 6503

Mr. SULLIVAN. Mr. President, I call up my amendment, No. 6503, and I ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. SULLIVAN], for himself and for Mr. COTTON, proposes an amendment numbered 6503.

The amendment is as follows:

(Purpose: In the nature of a substitute)

Strike all after the resolving clause and insert the following:

SECTION 1. CONDITIONS FOR RESOLVING DISPUTES.

Consistent with the purposes of the Railway Labor Act (45 U.S.C. 151 et seq.) to avoid any labor dispute that threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service, except as provided in section 2, with regard to the disputes subject to Presidential Emer-

gency Board Numbered 250, established pursuant to Executive Order 14077 of July 15, 2022 (87 Fed. Reg. 43203; relating to establishing an emergency board to investigate disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and their employees represented by certain labor organizations), and the provisions of section 10 of the Railway Labor Act (45 U.S.C. 160)—

(1) during the 60-day period beginning on the date of enactment of this joint resolution, no change shall be made, by the railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference or by the employees of such railroads represented by a labor organization that is party to such disputes, in the conditions out of which such disputes arose as such conditions existed on the date of enactment of this joint resolution; and

(2) the parties to such disputes shall negotiate during such period to resolve any such dispute that is unresolved.

SEC. 2. MUTUAL AGREEMENT.

Nothing in this joint resolution shall prevent any mutual, written agreement by the parties after the enactment of this joint resolution—

(1) to implement the terms and conditions established by this joint resolution; or

(2) to any terms and conditions different from those established by this joint resolution.

Mr. SULLIVAN. Mr. President, nobody wants a strike right now in our country. We have had challenges with supply chains. We have had challenges with finding enough workers with regard to our businesses. Nobody wants a strike.

My amendment would certainly focus on not having a strike but making sure that the sides in this disagreement, between management and labor, get back to work to resolve the problems at hand. It is a simple amendment. It says we need a cooling-off period for 60 more days.

Congress finds itself in another last-minute emergency being rushed to the floor of the Senate. We got the details of this about 24 hours ago on a very complicated subject.

Since 2019, negotiations have been going on between labor unions representing railway employees and the railway industry over employee pay, hours of service, benefits, sick leave—complicated negotiations.

Now that the negotiations have met an impasse, we have been asked to endorse a proposal that the Presidential Emergency Board has endorsed and that the union members have rejected. Complicated.

Barring additional action, as I mentioned, there could be a strike that would harm our economy and workers and families and other businesses. Again, we don't want that.

Here is the other issue: We also don't want Congress to become the de facto endgame for all future negotiations—private contract negotiations—enacting the agreements reached at the bargaining table or having Congress then dictate the terms of minutia in these contracts with regard to sick leave or other things.

Now, I know Senator SANDERS has a provision on this. It might be a great idea; it might not be a good idea. I don't know. But we got this 24 hours ago. No hearings, no discussion.

So all I am asking for is a 60-day cooling-off period so the sides can get back to the bargaining table, so the President of the United States and the Secretary of Labor, Secretary Walsh, can get involved and do their jobs. That is it: a cooling off period for 60 days, handing this negotiation back to the parties involved to resolve.

Now, some people say, well, that is just kicking the can down the road. Well, there is precedent for this course of action by Congress. The legislation covering these kind of labor agreements contemplate Congress asking for additional cooling-off periods. We have done this many times before, including in 1986, where it actually worked. A 60-day cooling off period. The sides went back to the bargaining table, and they resolved their issues on their own without the Congress of the United States having to come and dictate terms.

As I mentioned, less than 36 hours ago, we were asked to decide on issues that are complicated, that are important—without necessary deliberations, without congressional hearings to gain knowledge and expertise required to make informed decisions.

My amendment would certainly avoid a strike. We all agree on that. It will give negotiators more time to get to an agreement, and it will not make Congress the entity of last resort in these kind of negotiations where the knowledge of the issues that are very complicated have not been thoroughly studied and have not received the due diligence that I believe every American, every union Member wants us to have. It has worked before. Exactly this kind of amendment has worked before in this kind of situation. It can work again. I urge my colleagues to vote yes on my amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I ask unanimous consent that I have an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. Mr. President, we are soon to be voting on the situation with the rail industry, which is an enormously important issue, not only for the 125,000 rail workers involved but for the entire country, because rail plays an enormous role in transporting very, very basic and important goods that all of us depend upon. It becomes a health issue, et cetera, et cetera.

But I want to take a half a moment to put this rail issue into a broader context and then get back to the rail situation. And that is, what polls are telling us and what I think each and every Member of the Senate sees and hears from his or her constituents is, people in this country are increasingly disgusted with the kind of selfishness and corporate greed that we are seeing.

Now, we don't talk about it much, and the media doesn't talk about it much, but there is more income and wealth inequality in America today than we have seen in at least 100 years. And the gap between the very, very rich and the middle class and everybody else is growing wider and wider.

And today, in the midst of this inflationary period, when so many of our workers are struggling to put food on the table, when they are falling behind economically, the billionaire class has literally never had it so good. These guys don't know what to do with their money. You don't know how many mansions they can own, how many islands they can have. Some of them are building spaceships to take them to Mars. They don't know what to do with their many billions of dollars. And yet, as we speak, 85 million Americans can't afford health insurance; 60,000 a year die because they don't get to a doctor on time; 45 million people dealing with student debt; families can't afford childcare for their kids. We have 600,000 people who are homeless in America, including people a few blocks away from the U.S. Capitol.

The rich are getting much richer. The middle class continues to shrink. And if you want to talk about the excesses of corporate greed, then you have got to talk about the rail industry and what is going on here right now.

Now, everybody understands that businesses sometimes have trouble. They lose money. They are in trouble. They go to their workers and say: Hey, things are tough, we all have to cut back. We understand that.

That is not the case today with the rail industry. For the rail industry, business has never been better, record-breaking profits. This year alone, for the first three quarters, their profits are up by over \$21 billion. They have so much money that they are able to give over \$25 billion in stock buybacks and in dividends.

That is what is going on with the rail industry. One of the CEOs in the rail industry makes \$20 million a year. Another guy makes \$14 million a year. They are doing phenomenally well. But what is also going on in the rail industry is that over the last 6 years, they have cut back on their workforce by 30 percent, which means that workers in the rail industry are asked to do more with less support.

So for 3½ years, there have been negotiations between the industry and the 12 rail unions. And the end result of this is that the workers received a 24-percent increase in their wages. It sounds like a lot of money. That is for a 5-year period. They have not received a pay increase in the last 3 years. And if you average it out, that pay increase is less than inflation to date. It is not a great wage increase. It is not terrible, but it is not a great wage increase.

I have heard talk about healthcare. They wanted healthcare. They didn't

win on healthcare. What the industry, unbelievably, wanted to do, despite record-breaking profits, is ask workers to pay more for their health insurance. That was beaten back. So they remain at a status quo. Not a victory, but not a defeat.

But most egregiously, if you talk to the workers as I have—what is the issue? It is not wages. It is not benefits. Their issue is paid sick leave. They are one of the few industries in America today that have zero sick paid leave. Unbelievably, if a worker today on the rail industry gets sick, that worker gets a mark for missing work and can and—in some cases—will be fired.

Can you imagine that? Here in Congress, we all—conservatives, progressives—we have staff—all of us, and people get sick. Of course, they take time off. You don't fire them. You don't give them marks. You don't punish them because they got sick. This is America, 2022. You don't treat people—especially in the rail industry, who are doing dangerous, difficult work.

Now, I have to be honest. I know that the Secretary of Labor and the Secretary of Transportation have worked really hard on this issue. But I need to hear from them the willingness, which I think there will be, to demand that the industry do what has to be done, and that is to provide paid sick leave for their workers.

I will have an amendment. I assume that is coming up in a few moments. This is not a radical idea. It is a very conservative idea.

And it says, if you work in the rail industry, you will get 7 paid sick days. And I would hope that we would have strong support and the 60 votes that we need to pass this very, very important amendment that is wanted by every one of the rail unions and, I think, is overwhelmingly supported by the American people.

With that, I yield all time back.

VOTE ON AMENDMENT NO. 6503

I ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior executive clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. MURPHY) and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Mississippi (Mrs. HYDE-SMITH), and the Senator from Idaho (Mr. RISCH).

Further, if present and voting, the Senator from Idaho (Mr. RISCH) would have voted "nay."

The result was announced—yeas 25, nays 70, as follows:

[Rollcall Vote No. 370 Leg.]

YEAS—25

Blackburn	Hagerty	Scott (FL)
Braun	Hoeben	Scott (SC)
Capito	Inhofe	Shelby
Collins	Johnson	Sullivan
Cotton	Kennedy	Thune
Cruz	Lee	Toomey
Daines	Paul	Tuberville
Ernst	Rounds	
Graham	Rubio	

NAYS—70

Baldwin	Hassan	Peters
Barrasso	Hawley	Portman
Bennet	Heinrich	Reed
Blumenthal	Hickenlooper	Romney
Blunt	Hirono	Rosen
Booker	Kaine	Sanders
Boozman	Kelly	Sasse
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Lankford	Shaheen
Carper	Leahy	Sinema
Casey	Lujan	Smith
Cassidy	Lummis	Stabenow
Coons	Manchin	Tester
Cornyn	Markey	Tillis
Cortez Masto	Marshall	Van Hollen
Cramer	McConnell	Warner
Crapo	Menendez	Warren
Duckworth	Merkley	Whitehouse
Durbin	Moran	Wicker
Feinstein	Murkowski	Wyden
Fischer	Murray	Young
Gillibrand	Ossoff	
Grassley	Padilla	

NOT VOTING—5

Burr	Murphy	Warnock
Hyde-Smith	Risch	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

The amendment (No. 6503) was rejected.

PROVIDING FOR A CORRECTION IN THE ENROLLMENT OF H.J. RES. 100

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of H. Con. Res. 119, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 119) providing for a correction in the enrollment of H.J. Res. 100.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, the American people are increasingly disgusted at the level of corporate greed that we see today. We have more income and wealth inequality in America now than we have had in 100 years—billionaires getting richer, working people falling further and further behind.

And there is no clearer example of corporate greed than what we see in the rail industry today.

In the last year, that industry earned \$21 billion in profits—recordbreaking—and provided \$25 billion in stock buybacks and dividends to their wealthy shareholders. And yet, today, in that industry, workers who do difficult and dangerous work have zero paid sick days. Zero. You get sick, you get a mark against you; couple of marks, you get fired. This cannot and must not happen in America in 2022.

This amendment simply says 7 paid sick days for workers in the rail industry, and I hope we can win it.